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*An Address Delivered at the Annual Commencement of
the University of Michigan.*

THURSDAY, JUNE 27, 1889,



By HON. J. L. M. CURRY, LL. D.,
OF RICHMOND, VA.



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Commencement Oration.

Causes of the Power and Prosperity of the United States.

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THE UNIVERSITY OF MICHIGAN.

JUNE 27, 1889.

BY J. L. M. CURRY, LL. D.

I. The centennial celebration in New York to which, despite some singular omissions and infelicities, the superlative used by Cicero in describing the Basilica Æmilia, *magnificentissima*, is applicable, was wise and salutary. It need not conclude our consideration of the genesis of our Federal constitutional epoch. The entire year might be well consecrated to the study and recital of the deeds of our ancestors. Sir Henry Maine says that men have almost forgotten that no form of government has been so unsuccessful as the republican. From the reign of Augustus Cæsar democracy has been on the decline until that decline was arrested in America.

These graduates go forth as leaders of public opinion, and it may be well to pause on the threshold before putting on the *toga civilis* and inquire into *the causes of our conspicuous power and prosperity*. This greatest experiment of free electoral government is a puzzle to foreigners. Travelers like Trollope, Hall, Dickens, and Marryat have ridiculed and satirized. De Tocqueville studied our institutions critically. Bryce shows an intelligent apprecia-

tion of them. Gladstone spoke to me of our "enormous power." The lamented Bright, in July, 1887, propounded to me an inquiry as to the elements of our greatness. Gibbon, in his account of the Saracenic invasion of Spain, says that soon after the conquest a map of the province was presented to the caliph, showing rivers, harbors, seas, cities, climate, soil, productions. In two centuries the gifts of nature were so improved by agriculture, manufactures, and the commerce of an industrious people, that the tribute money grew into an annual sum surpassing the united revenues of the Christian monarchs. Villages, mosques, cities, baths, horses, mules, made it difficult to exaggerate the riches and populousness of the Peninsula. In material, political, and moral aspects, what a contrast does that glowing picture present to our progress in a hundred years. The changes in all the departments of life have been like the work of enchantment. 1789—1889 mark a century of prodigious revolutions, not sudden or violent, but, in the main, peaceful, orderly, and beneficent. One can realize the advance only by instituting a comparison betwixt the two periods. No hundred years of the Christian era has witnessed such improvement in invention, in comforts and luxuries, in productive industry, in wealth, in science, in means of education, in liberal giving, in amelioration of human condition, in enlargement of personal and civil liberty, in establishment of free institutions, in spread of Christianity, in all the fields of human thought and life. I shall not essay to explain the manifold causes of this progress. Let it be my humbler task to take a hasty glance at a few of the more salient.

II. The discovery of America was providential. The time was most propitious. Fortunately the gift was to the Aryan race. It was somewhat contemporaneous with, but happily subsequent to, the intellectual revival consequent upon the discovery of a forgotten literature, the invention of movable types, the application of the polarity of the

magnet to navigation, and the Reformation of religion. These were great agencies for quickening thought and enterprise, for arousing men from mental stupor, from industrial sluggishness, from the lethargy which results from civil and ecclesiastical despotism. It is not easy to estimate the intellectual and spiritual awakening produced by these agencies. Society was permeated by fresh and intelligent thought. This was a remarkably creative, nourishing period, begetting mental independence, love of knowledge, a glow of life and intellect.

III. America was a *tabula rasa* as to social and political institutions. The aborigines, speaking many distinct languages, had diverse civil organisms, multifarious arts, picture writing, implements of stone, shell, bone and wood, navigated rivers and lakes, but they were barbarians and have left scant material for linguistics, or history, or archæology. The native races were so inferior to the immigrants, so few in number and widely scattered, that they were easily dispossessed, and the new comers had practically no embarrassment from traditions and prescriptions and passions which are transmitted so fully by national character. Besides, the ties which bound to mother country were not very strong. Remoteness from Europe, slow and infrequent voyages, occupation of the people of the old world with urgent questions, hatred of religious and civil tyranny, and other causes, left the adventurers very much to self-control, and indisposed them to take lessons of submission or instruction from those left behind.

IV. The hostilities encountered were largely of their own creating, but served to compact into union and fellowship and to awaken physical and mental energies among those who but for this need of co-operation would have been segregated into families or communities and weakened by avarice and indulgence. This enforced combination ultimately ripened into the American Union, which has been, still is, may it ever be!—one of the chief-

est sources as well as guarantees of prosperity and greatness, because it means union, liberty and law. The immediate causes and the history of that organizing are foreign to my purpose. Suffice it to say, we have an area of 3,501,404 square miles, immense lakes and rivers, virgin soil of unexampled fertility, a climate varied, healthful, adapted to fruits and crops of great variety and utility, timber of many kinds, mineral wealth that defies computation. If wealth be the product of labor skillfully applied to natural elements, then the conditions of wealth are superabundant.

The land was not under feudal title or mortgages of labor or service. In Great Britain and Ireland with 120,879 square miles, there are few proprietors.* Here the government has disposed of land with secure title and fixed boundaries at nominal rates, and cheapness, fertility and easy transfer have left no excuse for being without permanent homes, and the result is the most general distribution of landed and other property, the largest individual prosperity, and "the largest aggregate of estimated wealth" † ever known in civilized life. One can hardly doubt the salutary influence of this home life and family independence upon individual character and citizenship.

It may not be irrelevant to emphasize the suggestive historical fact that the Congress of the Confederation, by the Ordinance of 1787, reserved lot No. 16 of every township for the maintenance of public schools. This ordinance, happily inscribed above this platform, declared it to be a high and binding duty of government itself to support schools and advance the means of education on the plain reason that religion, morality and knowledge are nec-

* The Financial Reform Almanac for 1887 says that 10,207 persons own the whole of England and Wales; 1,700 persons hold nine-tenths of all Scotland, and 1,912 persons own two-thirds of Ireland. The cost of transfer of land is stated as 3 per cent.

† Gladstone in Nineteenth Century for May.

essary to good government and the happiness of mankind. It was followed by act of Congress in 1803 and, later, by other enactments, applying to all the territories. In 1848 the quantity was doubled, and since, all organized territories have received the 16th and 36th sections in every township. To each State admitted into the Union since 1800—Maine, Texas, and West Virginia for obvious reasons excepted—and to New Mexico, Washington, and Utah, two or more townships have been granted for endowment of universities. In 1862 the act for Agriculture and Mechanic Arts was passed, aggregating near 10,000,000 acres. By act of 22 Feb., 1889, 450,000 acres were granted to North and to South Dakota, Montana, and Washington each, for educational and charitable institutions. Whatever differences among men and parties, there has been a *consensus* of opinion as to the dependence of the Republic on education and the duty of the Federal Government to assist in maintaining schools. The free public school, the *πρωτο* of representative institutions, is proving to be the solvent of language and condition, has a training and unifying influence and is merging our population into one substantial body politic, making our country, what has not inappropriately been called, “the grave of nationalities.” We have 12,000 periodicals, 200,000 public schools, sustained at an annual expenditure of \$122,455,252, possessing property worth \$200,000,000, and attended by 10,000,000 pupils, besides 250,000 in secondary schools, and 60,000 in colleges and universities. There are 200 institutions for higher education of women, 345 for men, 450 for science, law, medicine and theology, and 360,000 teachers. “These are the despair of the scoffer and the demagogue, and the firm support of civilization and liberty.”

As the pioneer pushed his way into the primeval forest and constructed his rude hut, his next labor was to provide a house for a school and for religious worship. In thinking of those who laid the foundations none are more deserving of gratitude and immortal record than the

teachers of the "old field" schools, who moulded the intellects, and the godly "saddle-bags" preachers, who accompanied the advance wave of population and sought to build securely on the infallible Word of God.

"The riches of the Commonwealth
 Are free strong minds and hearts of health ;
 And more to her than gold or grain,
 The cunning hand and cultured brain.
 * * * * *
 Nor heeds the skeptic's puny hands
 While near her school the church-spire stands :
 Nor fears the blinded bigots' rule,
 While near her church-spire stands the school."

As proof that undue care for material prosperity has not destroyed care for the mind and that democracy feels the need of a higher as well as of public school education, see the splendid gifts made by private liberality, by Peabody, Slater, Hand, Vanderbilt, Stanford, Johns Hopkins, Cornell, Bostwick, Rockefeller, Trevor, Colgate, Sage.* What is done elsewhere by imperial decrees or State revenues is done here largely by individual and denominational labors and benefactions. The new States vie with the older, and in some respects surpass in more thorough adaptedness to our wants as a people. This noble University furnishes apt illustration. Matthew Arnold said ours was a land of intelligent mediocrity where every one has some culture, and where superiorities are discountenanced. Here you have extensive courses of instruction under teachers of distinguished competency, broad and catholic learning. There seem to be no bigoted restrictions on thought and investigation. You have libraries, museums, laboratories, observatories, competitive schools of medicine based on different theories, dental, law, music and scientific schools, not detached as annexes, but made a part of the organism, liberty of choice

* Bureau of Education reported individual benefactions for education for 1871-1880 as over \$62,000,000.

in parallel courses of instruction, and co education of sexes with proper recognition of the citizenship and capabilities of woman. When the thirteen colonies became the United States, there existed nine colleges, all of which survive. These have been nurseries of others which, with preparatory departments, correspond roughly with gymnasium and lyceum of Germany. These numerous small colleges, bringing the means of higher instruction than the public schools can furnish near to the homes of the people, cannot be substituted by a few remote and expensive universities; nor are they rivals of the universities, but should have adequate support and endowment, for they have been potent factors in working out our grand history.

Boastful as we may be of our nearly 70,000,000 of people and of our cities, it has been but a few years since the greater part of American life was frontier life, and today we may find, in the trans-Mississippi, illustrations of the experiences which have been the conditions precedent to the organization of States. This life has developed womanhood and womanhood of a peculiarly hardy and self reliant type. To subdue wild beasts, build houses, construct roads, till virgin land, watch against and remove vagrant Indians, improvise and maintain civil government, developed individual character and elicited personal powers and activities of which the denizens of the old world have never dreamed. As with the builders of Jerusalem under Nehemiah, every one had his sword girded on his loins and so builded. One generation has lived the history of centuries. What comprised a millennium in Asia or Europe many living persons have seen—the creation of a new civilization, the interval between savagery and paganism and enlightenment and Christianity, the removal of forests, bridging of rivers, building of cities, establishment of governments, founding of colleges, museums, universities, putting on the refinements of cultured society. Persons are still living who hunted and shot the wild deer on the ground where is located this

University. Lieber said, "in Germany the student of history can study only in the libraries, but in America its actual existence." During the formative period, perilous problems of the old world and the Malthusian question of population pressing on subsistence never gave a moment's concern. In the ranks of sovereign honor, Lord Bacon assigns the first place to founders of States and Commonwealths. As we contemplate the beginnings, and see how individuals, families, communities, grew into civil organism, our admiration and gratitude should be intensified for those who planned our institutions and established on imperishable foundations the civilization, the freedom, the liberties, which are so dear to every American heart.

V. Royalty and aristocracy made no contributions to our early settlers. The unexplored wilderness had no seductions for those reared in luxury and accustomed to flattery and servility. Our country was not fettered by degrading class distinctions. There were no privileged persons to be supported in indolence and married and obeyed. No divine right to rule was ever claimed by any one residing in the colonies. No Chambords nor Pretenders made their insolent proclamations or had their followers. No dynasties partitioning the territory and arraying armies for defence of their claims. Monarchs and nobles, the titled and privileged, were far away in older and less favored lands. The absence of external rank, marking one man as entitled to social precedence or unusual deference from others, has saved us from those artificial class distinctions which do more than royalty to degrade the people. United action is thus readily secured in periods of national exigency. Mr. Lincoln, during the war between the States, and Gen. Jackson, in his contest with the money power, were able to move forward with hopeful confidence and steady courage, possible only to those who had faith in democratic institutions, and knew that behind themselves was the omnipotence of the *vox populi*. Sure of support from the masses, from citizens equal and

free, great deeds were done with promptness and energy.

It must not be forgotten how much of our national characteristics we owe to our early history. It has been disparagingly asserted that the real objects of the early immigrants were commercial, and that the desire for gain was a stronger motive with them than freedom of worship or refuge from oppressors. It has become the fashion to belittle the virtues of those who established the settlement at Jamestown or landed later at Plymouth Rock, and to hold up their weaknesses to ridicule and contempt. Much in conduct and opinions of settlers is not defensible, much was due to wrong notions of government and religion, to hard surroundings, but many of them were earth's heroes. The environments, while bringing out vices in strong relief, developed manly virtues. Despite errors, they were superior in all the essentials of true manhood to the governing classes of the old world. New England was better than old England, Virginia and Pennsylvania than France and Spain. Thrice happy we that our ancestors were Teutons. A comparison between the United States on the one hand and Central and South America on the other, will show how much of material prosperity and social and political blessing we owe to our forefathers. Walt Whitman claims that the United States were not fashioned from British Islands only. Whatever may be true of Louisiana and New Mexico, and of the influence of the hordes of modern immigrants, the mould of American character and of American institutions was fortunately of a Teutonic impress.*

VI. We are indebted to our isolation for immunity from many trans-atlantic evils. Oceans are good neighbors, and we have had few questions of disputed boundaries, and none, unless in the case of the war with Mexico,

* The Emperor Titus, commending Germans, our Saxon ancestors, said, "Their bodies are great, but their souls are greater." "Liberty," says Montesquieu, "that lovely thing was discovered in the wild forests of Germany." Sixteen centuries before, Lucan wrote, "liberty is the German's birthright." Hume and Gibbon bear the same testimony. Menzel, *Hist. Ger.* i, 88. Gibbon ch. ix. Sheppard's *Fall of Rome*, Lect. iii, Cooley's *Michigan*, 10, 23, 33, 80.

leading to actual hostilities. The early troubles with Spain, the Oregon negotiations, the North-Eastern boundary, and the Fisheries question, produced irritation, but thus far diplomacy has been a better method of adjustment than the *ultima ratio regum*. The perplexing question of the "ghastly phantom" of the Balance of Power, preserving a safe equilibrium, which has caused expensive armaments, bloody wars, numerous and easily broken treaties, is unknown in our history. Canada and Mexico are our friends, and there is no fear of encroachment. We are not burdened as Europe is with a standing army of 4,000,000 men to guard frontiers, or with a reserve of 10,000,000, wasting the most productive part of lives in soldier-training, creating a heavy drain on resources, cultivating a warlike spirit, and forming a ready band of conspirators against peace and liberty. In Madrid I witnessed a review of soldiers by the Queen Regent, who, with feminine grace, for three hours, rode through the streets, while the city poured out its hundred thousand to see her Majesty and the gorgeous display of uniform and arms and banner and plume. The next day I told the Minister for Foreign Affairs that I had seen more men under arms, 25,000, than were in the army of the United States, for our 1,200,000 soldiers, after four years of terrible war, had disbanded in a day. It is true we have an army of citizen soldiers, industrious, producing and engaged in all the pursuits and vocations of life, not exposed to the corruptions of camps and the demoralization of dependence and fruitlessness. In three wars these volunteers have been all the country needed, and are to be relied on for all national and state exigencies. It is harmful to confess State impotency, and unjust to patriotism and efficiency of the militia, to call on the Federal Government to suppress local riots and insurrections. Far distant be the day when the Union shall have need of an appeal to the citizen soldiery, but should the occasion arise when the honor of the flag shall need for its defence

brave men, millions would respond to the appeal of the President, giving a combination of the patient energy and steady pluck of the North, the enthusiasm, ardor, and enterprise of the West, the personal chivalry and dash of the South, and the union in command and leadership of such excellencies as shone forth conspicuously in Semmes and Farragut, in Lee and Grant. Under Sherman and Johnson, Schofield and Gordon, our boys in blue would not quail before the serried hosts of Europe.

VII. One of the most fruitful and beneficent causes of our prosperity is the absolute free trade over the whole extent of our territory from Alaska to Texas. In Europe we find nineteen separate and partly or wholly independent nations, with custom-houses on frontiers, and often collectors of octroi duties as one enters towns. These barriers to trade are frequent and annoying. Throughout our country from Atlantic to Pacific, covering some 35° of latitude, and 80° of longitude, with frigid and temperate zones, ranging from semi-tropical to Arctic productions,—fruits, furs, and fishes with endless variety of fauna and flora—with manufactures of seven thousand millions of dollars in value, mineral products of \$591,659,931, including \$92,360,000 of gold and silver, farm products in 1880 of \$2,212,540,927, thousands of miles of navigable rivers, 97,357 square miles of the principal lakes, 140,000 miles of railway, carrying more than 400,000,000 of passengers in a year, and 170,000 miles of telegraph lines, “—one-half the total mileage of all the railroads, and one-quarter of all the telegraph lines of the world within our borders,”—bringing the whole into one neighborhood in which each man serves the other,* an internal commerce of near

*Edward A. Freeman is a strong believer in the political results of the great practical discoveries of modern science, and says that “swifter means of communication have for the first time in the world’s history made democracy on a great scale possible. They have made States possible which combine the personal freedom of a small commonwealth, the direct political action of each citizen in the commonwealth, with the physical extent and physical strength of a great kingdom.”

\$35,000,000,000, or double the value of the foreign commerce of the whole world, not one cent of tax is levied or collected on the domestic trade, the organic law forbidding any interference with commerce between the several States. A vessel may sail from Alaska with furs and oil and fish, change its cargo at San Francisco, sail around Cape Horn to New Orleans, and stop at Charleston, New York and Boston, loading afresh at each port, and finally discharge her cargo, which has undergone a score of mutations, in Portland, Maine, having traveled fifteen or twenty thousand nautical miles, and during all these voyages and transactions the flag has covered the cargo provided the vessel was American built, and the freest exchange of commodities has been encouraged and allowed. The gain of each has been the gain of all, unless some foreign commodity has been bought, and then, presto, change, the whole affair has been vitiated. Such an example of trade without restrictions the rest of the world does not furnish, and the benefits on national stability, friendship, union, power and prosperity, are incalculable. Whatever may be said of "protection" of home industries, of the wealth which comes from limiting the foreign demand for our surplus of food, cotton, oil, lumber and the like, and keeping out Canadian, Mexican, South American, Australian, European, West Indian, Asiatic and African products, no statesman nor theorist ventures to suggest any restriction upon the internal exchange of immense and diverse and competing products. Towards the close of the last session of Congress the House adopted, almost unanimously, a joint resolution to promote commercial union with Canada, an enormous country almost equal in area to our own. A tariff tax is levied on 4,182 articles coming from foreign ports upon a foreign commerce of \$725,202,714. Our inter-state commerce, nearly fifty times as much, cheapened by navigation and railway facilities, unembarrassed by taxation for revenue or protection, free as the winds that course the ocean, has enabled us to laugh at

financial blunders, violations of soundest principles of economics, stupid and selfish legislation and the violence of partizanship.

VIII. Our peculiar complex government, unprecedented in form and without previous trial in history, has been a potent factor in the results whose genesis we seek. We have a dualism of federal and state governments, a coördination of National and State authority, a distribution of civil functions between the States and the Union. A union of thirty-eight interdependent States, soon to be forty-two, in a constitutional, representative, federal republic, is an anomaly. There are 39 constitutions—one federal and 38 state—and as many legislative, executive and judicial departments. The government at Washington is a complete government, sovereign as to the granted powers, and its establishment was the logical and proper consequence of the failure of the Confederation, with its inadequate authority. In the partition of powers, the creating States reserve the large mass of undelegated, comprising within their purview such important relations as husband and wife, parent and child, guardian and ward, teacher and pupil, landlord and tenant, employer and employee.* We rely on the state governments for the security of life, liberty, reputation and prosperity. In all the daily business of life, we act under their guidance and for nearly everything that is valuable in society we are indebted to their protecting and benignant action. The states are sovereign as to undelegated powers and as to these are not united. This state autonomy gives us Home Rule, which, however, primarily is not due to the Union as the States, prior to the constitution, were already organized and were adequate to all the purposes of municipal concerns. The separate colonial governments had long been in operation and were regarded with intense loyalty by their inhabitants. There were royal charters and royal governors, but the local

* See Cooley's Michigan, 227-231.

political life was vigorous and in high esteem.* This was educatory in the principles and practice of self-government, cultivating self-action and self reliance. In our state and subordinate town and county governments, individuality is evoked, and jealousy of interference by centralized power. Personal capacities, individual functions, are called into exercise. The indestructibility of the States should be as much an object of patriotic solitude as the indissolubleness of the Union.† States are not mere local sub-divisions or provinces of the national government, and they sustain to the national authority very different relations from those which counties bear to the State. The duality and complexity are our strength and are of the essence of our freedom. Without reviving controversies of 1861-1865, let us never forget that we have National *and* State governments, that States existed before the Union, are united under the Constitution as to granted powers, and separate as to those not delegated nor prohibited. As to marriage, divorce, family obligations and rights, education, penal and charitable institutions, ordinary contracts and a thousand other things,

* Renan, in "Constitutional Monarchy in France," anticipated Bryce in his true view of our history when he said, "Virginia and Carolina were Republics before the war of Independence. That war changed in no respect the internal constitution of the states; it only cut the cord, now grown irksome, which bound them to Europe, and substituted for it a federal union. There was at the bottom of this great movement an eminently conservative conception of right, as an aristocratic and law-abiding spirit of provincial liberty." Fiske in his *Critical Period of American History* says, "The American Revolution was in no respect destructive. It was the most conservative revolution known to history, thoroughly English from beginning to end. It had no likeness whatever to the terrible popular convulsions which soon after took place in France." It is a curious fact that New York distrusted the power given to the General Government, and was the eleventh state to ratify the constitution. Gov. Seymour said, "the doctrine of State's Rights had its origin with us, and not in Virginia, which at the outset was in favor of a strong central government." When Washington was inaugurated, North Carolina and Rhode Island had not consented to be partners in the Union.

† See 2 Elliot, 352-355, for speech of Hamilton 101 years ago to-day; 2 Bancroft's Hist. of Con., 334, 346, 55, 21, 31.

Michigan is as sovereign and independent as Germany.

Beginning with eleven states, the Union has grown to thirty-eight, Colorado, the last and youngest born of the sisterhood, being the equal of the oldest. The new States have in *ipsissima verba* the same powers, privileges, prerogatives, functions, rights as the old, no more, no less. This self-expansion of the Republic, creation of new sovereignties, introduction of new partners, enlargement of constituent members of the Union, is the marvelous triumph of representative, constitutional government. Territory is acquired by the Nation; *eo instanti*, the Constitution *proprio vigore* spreads its ægis over land and inhabitants with guaranty of protection and liberty. Population flows in, a provisional government is organized, and in fullness of time—in the case of Nevada prematurely—a State full panoplied comes knocking at the door for admission as co-equal, and lo! the original eleven and all others concurring and inviting, the door is thrown open and the young sister, in the radiance and freshness of her virgin beauty, takes her place in the assemblage of Commonwealths, as the peer of those who have created ideas and institutions and as a compact and perpetual union have become the hope and inspiration of the struggling millions of earth. Nothing in history surpasses this freedom from jealousy, this cordial admission to equality, this voluntary enlargement of the sisterhood.

The London *Times* makes lugubrious comments on the last act providing for the admission of four new States, and says we imperfectly comprehend “the actual amount of metamorphosis and the eventual modifications” to which the increase points. There are some dangers, but not such as the *Times* sees. *First*, our foreign and heterogeneous population are often ignorant of our history, traditions, Constitution, respect for and obedience to law, and do not appreciate the dignity and majesty and grandeur of a state. We have no use for Americans with a hyphenated prefix (German-Americans, Irish-Americans, &c.)

indicative of double nationality or divided allegiance. We need, and should tolerate, no secret, oath-bound societies of aliens, or naturalized citizens, conspiring to prevent extradition laws for the suppression of crime, or to change relations of amity with other nations into suspicion, hostility and hatred. *Secondly*, as the new states are preceded by territorial governments and federal pupilage and beneficence and have derived from the National government the initiatory enabling authority to emerge from their dependence, they may under-estimate their co equality, and fail to see that upon their admission into the Union they become full-orbed, full-clothed, perfect as states, having in fullest measure the same rights as the original states which ordained, each for herself, the Constitution, the only standard by which their rights and obligations in the Union are to be measured.

A written constitution, "defining the powers of government, and distributing those powers among different bodies of magistrates for their more judicious exercise," is a great safeguard and bulwark of rights and preventive of usurpation and wrong. Ours, wrought out with some elaborateness of machinery, has profound significance and authority, and, in times of angry differences of opinion, it is a great advantage on the side of order to have a plain course of proceeding mapped out by written law. It has been too common to contrast our situation unfavorably with that of Great Britain, whose Constitution, although, according to Mr. Gladstone, "the most subtile organism which has proceeded from progressive history," is contained in hundreds of volumes of statutes and reported cases. Frederick Harrison says "it seldom leaves off at the end of a session of Parliament exactly as it stood at the beginning of it," but it demands, nevertheless, our profound respect in that the noble stream of English freedom has been widening and deepening for many centuries, and the life of the English people from the greatest to the least "has gone to make it what it is, and it has, at almost

all times, combined the tenacity of tradition with a great power of assimilating fresh elements and of adapting existing organs to new purposes." Mackintosh and Gladstone and Maine and Bryce have paid glowing tributes to our Constitution and to the signal sagacity and prescience of the statesmen who framed and put it in operation. Well was its Centennial celebrated, for it has been found capable of embracing a body of Commonwealths three times as numerous and with more than twenty fold the population of the original States; "it has cultivated the intelligence of the masses to a point reached in no other country, it has fostered and been found compatible with a larger measure of local self-government than has existed elsewhere." It has well-defined grants and reservations, and therefore there can be no parliamentary nor any absolute supremacy in the National government. Powers are carefully specified, limitations are cautiously defined, the rights of the States and of the people are guarded by the requirement of concurrent majorities and by manifold and elaborate checks and securities, the mode in which delegated powers are to be exercised is clearly appointed, and provision is studiously made that amendments shall not be adopted without opportunity for ample deliberation. An English legislator inquires into the expediency of proposed measures. The first question which should confront a Congressman on the threshold of legislation is: Is it constitutional? If not, there is an end of the matter. Lord Chatham said, "I will not go to court unless I can take the Constitution with me." It must be conceded that "the measure for a crisis may not be as the measure for a season of tempered peace." In times of national peril when existence is threatened, powers may be temporarily assumed, but an amendment of the Constitution, or a decision of the courts, can rectify the error. The Constitution violated is not the Constitution abrogated. Our Constitution illustrates the survival of the fittest. England may run back in continuous succession for a thousand years, but the

politico-historical map of Europe during our brief national life will show changes of dramatic celerity in territory, in rulers, in families, in dynasties, in forms of government. Germany, France, Italy, Spain and Austria have had strange mutations. With one exception the Constitution has been preserved intact or has been amended only in conformity with the ideas of the original instrument. Our forefathers wrought with consummate wisdom. The limited authority of the central government, the sagacious adaptedness to human progress, the wise flexibility, the prevalence of Home Rule, have superseded the necessity of alteration.

In the security provided against usurpation by the government and under the power of judicial relief against unconstitutional action—a peculiar and beneficial excellence of our American system—the courts can decide a law or executive action *ultra vires* and therefore void. That is the province of every judicial tribunal, a necessary inference from the supremacy of “the supreme law,” the independence of the three departments and the limitations upon legislative and executive authority, and when in the last resort the Supreme Court speaks, declaring that constitutional boundaries have been exceeded, the President, the Congress, the States and the People quietly acquiesce. This habitual ingrained deference to constituted authority is, next to an enlightened healthy public sentiment, the best safeguard of property, life and liberty, and has contributed incalculably to our prosperity and glory.* To be free, said an English judge, is to live under a government by law, and

* This preëminence of the judiciary in the co-ordinate powers of the government, this “exaltation of deliberate reason as the final arbiter of the rights of the people,” of the inviolableness of person and property, of the powers of the government, “into an every day working force in the orderly administration of the affairs of a great nation,” is strikingly presented by Mr. Phelps, our late Minister to England, in an address on “The Law of the Land,” and by Senator Evarts, but too broadly, in his address at the Centennial Banquet.

our government is the creature of self-imposed law and is not libidinous democracy, the sovereignty of the passions, but a constitutional federation of Commonwealths under the domination of truth and justice and right reason. It is of, from, by and for the people but the people can rule only through prescribed forms, and mainly by separate action in the States. "We, the people of the United States," as an unit, a distinct political organism, in the aggregate, does not exist, was never the source of any civil power, never performed a single political act, and never can, except illegally, or by an entire revolution of the structure of the Union of the States. Mobocracy and anarchy and Dorrism and "squatter sovereignty" and a pure democracy are not the fruits of our theories or systems. Nowhere in the world, said Joseph Chamberlain, in 1888, "is the authority of the law greater, is the respect for the law more universal."

IX. Guizot, in speaking of potent and fruitful agencies says: "There is a cause of civilization which is impossible to appreciate fitly, but which is not therefore the less real—and this is the appearance of great men." Our history confirms the generalization of the French philosopher and statesman, for everything we have become is largely traceable to the leaders in thought and action. Chatham and Burke and Mackintosh have left on record splendid eulogies of the writings of those who were actors in our revolutionary struggle. Lord Brougham's twice-uttered judgment of Washington need not be quoted, of Washington,

"Wise beyond lore and without weakness good,
Calm in the strength of flawless rectitude;"

of whom Mr. Winthrop, in his lately published ode, said:

"Peerless and supreme thy name shall fill
A place apart, where others may not soar,
In the clear upper sky; beyond all reach
Or rivalry; where, not for us alone

But for all realms and races, it shall teach
 The grandest lesson History hath known—
 Of conscience, truth, religious faith and awe,
 Leading the march of Liberty and Law."

Of other conspicuous men, who, in invention, science, statesmanship, diplomacy, and jurisprudence have advanced our prosperity and greatness, time would fail me to speak. Jefferson, Madison, Hamilton, Jackson, Lincoln, Grant, Webster, Clay, Calhoun, Cass, Marshall, Taney, Story, Morse, Fulton, Maury, Gray, and many others have left their impress indelibly for good on the American mind and institutions.

X. A cause little appreciated in its potential and far-reaching influence upon national power and prosperity is the separation of the State from churches. A struggle of centuries, marked by confiscation, banishment, civil disabilities, martyrdom, all the atrocities of the Inquisition, was required to establish what all civilized nations and publicists are beginning slowly to recognize as of the very essence of free and just government. The peace of Augsburg, 1555, was the first legal recognition of Protestant States, although accompanied by a rule of insulting toleration, *cujus regio, ejus religio*, a toleration to Princes with power to compel their subjects to be of the same religion as themselves. When the Pope's jurisdiction was abolished in England and transferred to the King, Parliament in 1534 confirmed him as supreme head of the Church of England, and heresy continued a crime against which King, Parliament, Courts and Clergy were equally severe. The change in the status of the church or its headship produced no relaxation of the rigor of laws, and torture was used alike in examination of criminal and heretic. Nowhere to-day in Europe is there absolute liberty of conscience. An establishment *ex vi termini* imports legal discrimination, inequality, injustice, violation of Christ's teachings. Governmental favoritism of a religious denomination makes the favored the sup-

porters of the government and the enemies of equal liberty. The history of England and of all countries where government patronizes a particular church, verifies Gambetta's famous saying, *Le clericalisme, c'est l'ennemi*. What universally existed in law, literature, public opinion, ecclesiastical decrees, clerical writings, was readily transferred to America. In Mexico and South America the blasphemous assumption of the union of the things that are Cæsar's and the things that are God's still obtains, to corrupt and degrade. During the Colonial period methods were taken for excluding Dissenters from any share in government, and the principle of a State religion, so far at least as to make the full enjoyment of civil rights dependent on a conformity to it, prevailed down to the adoption of the Constitution. In New England, New York, New Jersey, Maryland, the Carolinas, Virginia and Georgia, there were laws forcing people to pay tithes or taxes for the support of the clergy, or imposing punitive penalties to compel conformity. With a consensus of royal order, imperial and colonial legislation, the divorce of religion from civil control encountered obstacles almost insurmountable. The friends of religious liberty found almost as little in the colonies as in Europe to encourage them in their efforts. In 1774, John Adams said to deputies to the Continental Congress, "You may as well expect a change in the solar system as that we will give up our establishment." Still the deed was done, and the United States government deliberately forbade all legislative control over religion. Thus we entered on our career as a union of States with religious equality, repudiating all ecclesiastical domination and asserting for the government as against a church the undivided allegiance of every citizen. In one sense we are "the heirs of all the ages," our institutions are the slow evolutions of the struggles of many centuries, our constitution is the embodiment of transmitted experience, of historical traditions, of our English ancestors, but separation of religion and State—Soul-

Liberty—is America's contribution to the science of politics. It is habitual to excuse religious persecution and all tyranny on the plea of the spirit of the age, and that churches and governments must not be expected to be in advance of contemporary opinion. What is detestable bigotry and persecution now was not less so in the 16th and 18th centuries. Such extenuation or apology justifies all political bribery and corruption, all violation of personal and national rights, all tyranny and despotism.* No casuistry can defend the denial of the inalienable right of freedom of worship. Men who study the New Testament and profess to take Christ as their Lawgiver can have no excuse for coercing worship, or making a partnership between church and state.

The voluntary principle in civil and ecclesiastical affairs is in close fellowship. Civil liberty requires for its support religious liberty, and cannot exist without it. Religion and liberty in their best sense are inseparable. As union of church and State makes the church the willing instrument of civil tyranny, so the separation of church and state cultivates personal liberty and human freedom. The right to think freely on religious concerns, to study and interpret for one's self the Divine Revelation, to believe according to individual reason and conscience, to worship without legal direction or constraint, in unshared responsibility to God, to go at all times unaccompanied into the audience chamber of the King of Kings—"the flight of one alone to the Only One"—and a realization of personal accountability, beget logically independence and liberty of thought and civil freedom. Political freedom is but an attempt to translate religious freedom into social and civil forms.

Foreigners note that Americans have a boundless

* The Quarterly Review, April, 1839. in reference to "Goethe's departure from the common rules of morality in his relations with women," says apologetically, "it may be remarked, however, that the morality of the time was lax" !!

faith in free inquiry and public discussion. Ours is unquestionably a country in which love of knowledge abounds and free will is most active. Liberty in civil and ecclesiastical governments, in politics and religion, has been the origin of one of the most influential and pervasive of all the underlying causes of our success, namely, the dynamic energy of free institutions, involving free thought, free speech, free press and free suffrage. The nobler and more intellectual kinds of industry never thrive so well as in a free country. Where the most awakening and disenthraling subjects are interdicted, "genius feels in perpetual dread of rebuke and disdains to display itself even on those which are permitted. When an insulting and impassable barrier shuts up the career of plebeian ambition, all the heroic energies of the character are repressed." The higher spirit of enterprise will not be exerted if conscience be muzzled and the higher rewards of political importance and religious freedom be withheld.* Bryce mentions as an outcome of our institutions, "democracy has not only taught the Americans how to use liberty without abusing it, and how to secure equality, it has also taught them fraternity. There is in the United States a sort of kindliness, a sense of human fellowship, a recognition of the duty of mutual help owed by man to man, stronger than anywhere in the Old World, and certainly stronger than in the upper or middle classes of England, France or Germany. The natural impulse of every

* In 1844 an acute Boston thinker defined Democracy to be the supremacy of man over his accidents. As such, breaking the fetters imposed by the accidental conditions of birth, fortune, or youthful environments, it encourages development of natural powers, throws open to universal competition the prizes of life and awakens and rewards aspirations to attain the highest and the best. "La carrière est ouverte aux talents." The end of the state is liberty and the "ideal of true freedom is the maximum of power for all members of human society to make the best of themselves. * * * The liberation of the powers of all men equally for contributions to the common good." In 1838 patents granted in Great Britain 11,440; France 7,182 Germany 3,923; Austria estimated 2,500; Spain estimated 1,000—United States 20,506.

citizen in America is to respect every other citizen, and to feel that citizenship constitutes a certain ground of respect. The idea of each man's equal rights is so fully realized that the rich or powerful man feels it no indignity to take his turn among the crowd and does not expect any deference from the poorest. An employer of labor has, I think, a keener sense of his duty to those whom he employs, than employers have in Europe."

XI. The fear of the charge of inconsistency, or of sectional prejudice, must not prevent me from saying that the abolition of slavery has tended in some directions to material development and may enhance our power. The least informed student of our history knows that in the transition from the colonial period to the establishment of "a more perfect union," slavery made its "tragic impress," which remained uneffaced until a military exigency (rather than any demand of the national conscience) accomplished emancipation. The ante-natal struggle betwixt Jacob and Esau in the womb of Rebekah was fit type of the struggle in the Convention which framed the Constitution and adumbrated that irrepressible conflict which our forefathers foresaw, but, fearing to meet the issue, timidly bequeathed to their children.* Slavery was a source of weakness and strife and alienation. Emancipation was a stupendous event, sooner or later, the inevitable outcome of Christian principles, the recognition of the principle and of the worth of human personality. In the citizenship and suffrage subsequently bestowed upon the freedmen was a change of political constituency, the introduction of unanticipated elements in the body politic, the only real modification of the Constitution since its adoption, the only essential departure, "from the recorded opinions of the Fathers." He is an idiot who is ignorant of, or indifferent to, the gravity and magnitude of the negro problem. Several millions of negroes, many of whom

* 2 Bancroft's Hist. of the Constitution, Chap. IV; ch. viii. p. 63.

were recently slaves, having behind them centuries of ignorance, thriftlessness, superstition and despotism, cannot be dragged up to civilization and democratic institutions by legislative enactments and the enthusiasm of fanatics, without passing through the intermediate stages demanded of other races. "The average contemporary view of an event is almost certain to be shallow and false." The Declaration of Independence in 1776, misapprehended at the time, was far more pregnant with consequences than the beneficent French Revolution which soon followed, and to the advantage of our nascent nation absorbed the attention of mankind. An ignorant laborer, a slave, is never the equal of a freeman, and the liberation of the slaves is to be measured by its bearing on the progress and order of the race, by its power to help or to hinder the highest good of our people. A Christian civilization, the most sagacious statesmanship, the best thought of our best men and women, must grapple with the question in no pessimistic spirit, but with faith and courage and increased insight and hope and love, or chaos will come in like a flood.

The presence of grave issues, such as the race question, property question, foreign element question, civil service, centralization, the question of carrying elections by the use of money, diversion of school money, etc., may help to moderate an exuberant self satisfaction as we contemplate our country's growth and greatness and awaken dependence on the God of Nations. Reverence for God's word should characterize people and rulers, and an open Bible is the assurance of our progress and liberty. God's laws and man's laws should run in parallel lines. Families, communities, States, no more than individual persons, can transgress with impunity the Eternal verities, the immutable principles of Truth, Honesty and Righteousness.

XII. Lieber said, "I know no people who show more love for all that is noble. No nation has ever made such

rapid progress." A late profound writer says he found among Americans "an immense faith in the soundness of their institutions, and in the future of their country." Joseph Bonaparte, ex-King of Spain and Naples, living in New Jersey, wrote in 1831, "Il faut toujours des grands principes ou des vastes vues pour avoir influence sur les masses." Madame de Stael once said to an American, "You are the advanced guard of the human race; you have the future of the world." These utterances—not what Maine satirizes as "the nauseous grandiloquence of the American panegyrical historians"—should not lessen our vigilance, nor delude us with the fancy that we are exempt from the follies and crimes of Europe, nor beguile us into a fatal optimism which blindly hopes without taking note of the real condition of affairs. In Mormons and Anarchists we see how the depraved can convert liberty into license so as to preach a gospel of lust and of the dynamite, and dagger. In the unrestraint of our freedom we are prone to criticize with severity our public men and impute sinister motives. Next to actual corruption in public officers is the popular belief in their corruptibility. The dreadful thing, as has been said about the election of impure popes by impure cardinals and conclaves, is not so much the personal character of the men chosen, as the election by men who knew the personal character only too well. If we maintain equal and exact justice to all citizens, purity of the ballot-box, intelligence of the voters by an adequate system of free schools exclusively under State control, the federal and State governments within their prescribed limits, the uprightness and ability of the judiciary, a high standard of business and official* intèg-

* Gladstone, speaking of the triumphs of Bright's life as triumphs recorded in the advance of his country and of its people, gives this wonderful eulogy—"All causes having his powerful advocacy made a distinct advance in the estimation of the world, and distinct progress toward triumphant success. Thus it has come about that he is entitled to a higher eulogy than is due to success. Of mere success, indeed, he was a conspicuous example. In intellect he might claim a more distinguished place.

rity, abstinence of taxation for sectarian purposes or the benefit of monopolies and classes, rigid separation of the civil and the ecclesiastical, observance of the Divine statute for the purity and peace of home, the recognition of the Divine in law and lives,† we may celebrate 1989, or even 2089 under happier auspices, notwithstanding Nathaniel Gorham in the convention of 1787 laughed to scorn the idea that any system of government they could devise could possibly last one hundred and fifty years. A wider extension of political power than prevails elsewhere means that we must be stronger, nobler, purer. A representative republic stands in need of virile virtue. No form of government can take the place of earnest self-culture and self-discipline. "Democracy," says Lowell, "must show its capacity for producing not a higher average man, but the highest possible types of manhood in all its manifold varieties, or it is a failure. * * * The best is the only thing that is good enough. * * * Material success is good but only as the necessary preliminary of better things. The measure of a nation's true success is the amount it has contributed to the thought, the moral energy, the intellectual happiness, the spiritual life and consolation of mankind."

"The only better is a Past that lives
On through an added Present, stretching still
In hope unchecked by shaming memories
To life's last breath."

But his character lies deeper than intellect, deeper than eloquence, deeper than any thing that can be described or that can be seen upon the surface. *The supreme eulogy that is his due, is, that he elevated political life to the highest point—to a loftier standard than it had ever reached.'*

† Dr. Schaff never wrote more truly or wisely than when he said, "Christianity is the most powerful factor in our society, and the pillar of our institutions. * * * * Christianity is the only possible religion for the American people, and with Christianity are bound up all our hopes for the future."

See Inaugural of Washington, 30 April, 1789.

Graduates :—

To you and such as you is committed a solemn trust. Whatever may be your vocation you cannot withdraw from the public and decline to take interest in public affairs. Whatever may be your attainments you should not lift yourselves out of sympathy or intercourse with the people. The relation of the scholar to his country is close and his patriotism should never be relaxed. It is an exalted privilege to labor for the preservation of the Constitution and the Union and for the increase of the honor and usefulness of the country. Pericles said: "we regard him who takes no interest in public affairs, not simply harmless, but utterly useless." At Versailles one walks through the long galleries and sees what France has done to kindle patriotic ardor by putting on speaking canvas the immortal deeds of Frenchmen. Deeds of ancestors, kept fresh in your memories, will be a noble stimulus to pure lives and to a consecration of best powers to Science and Freedom. Motley, on landing in the United States after a long absence, said, "It is a country worth dying for; better still worth living and working for, to make it all it can be."

